

1 FUTTERMAN & DUPREE LLP
MARTIN H. DODD (104363)
2 JAMIE L. DUPREE (158105)
160 Sansome Street, 17th Floor
3 San Francisco, California 94104
Telephone: (415) 399-3840
4 Facsimile: (415) 399-3838
martin@dfdlaw.com
5 jdupree@dfdlaw.com

6 *Attorneys for Receiver*
J. Clark Kelso

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 MARCIANO PLATA, et al.,

12 *Plaintiffs,*

13 v.

14 ARNOLD SCHWARZENEGGER, et al.,

15 *Defendants.*
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Case No. C01-1351 TEH

**DECLARATION OF MARTIN H. DODD
IN SUPPORT OF MOTION OF
RECEIVER J. CLARK KELSO FOR
ORDER ADJUDGING DEFENDANTS IN
CONTEMPT FOR FAILURE TO FUND
RECEIVER'S REMEDIAL PROJECTS
AND/OR FOR AN ORDER
COMPELLING DEFENDANTS TO FUND
SUCH PROJECTS.**

Date: September 22, 2008

Time: 10:00 a.m.

Courtroom: Hon. Thelton E. Henderson

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21 I, Martin H. Dodd, declare as follows:

- 22 1. I am an attorney, licensed to practice before all the courts of the State of California and
23 before this Court and am a member of Futterman & Dupree, LLP, attorneys for Receiver
24 J. Clark Kelso ("Receiver"). I make this declaration in support of the Receiver's motion
25 to hold defendants in contempt of court and to compel funding of the Receiver's capital
26 projects.
- 27 2. Attached hereto as Exhibit 1 is a true and correct copy of a letter I sent to counsel for

1 defendants on July 15, 2008.

2 3. Attached hereto as Exhibit 2 is a true and correct copy of a July 22, 2008 letter I received
3 from Senior Assistant Attorney General Christopher Krueger responding to my July 15
4 letter.

5 4. Attached hereto as Exhibit 3 is a true and correct copy of a letter I sent to Christopher
6 Krueger on July 28, 2008.

7 5. Attached hereto as Exhibit 4 is a true and correct copy of a letter, dated August 5, 2008,
8 that I received from Christopher Krueger.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Dated: August 13, 2008

FUTTERMAN & DUPREE LLP

12 By: /s/ Martin H. Dodd
13 Martin H. Dodd
14 Attorneys for Receiver J. Clark Kelso
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CERTIFICATE OF SERVICE

The undersigned hereby certifies as follows:

I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17th Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice of Futterman & Dupree, LLP for the collection and processing of correspondence.

On August 13, 2008, I served a copy of the following document(s):

**DECLARATION OF MARTIN H. DODD IN SUPPORT OF MOTION OF
RECEIVER J. CLARK KELSO FOR ORDER ADJUDGING
DEFENDANTS IN CONTEMPT FOR FAILURE TO FUND RECEIVER'S
REMEDIAL PROJECTS AND/OR FOR AN ORDER COMPELLING
DEFENDANTS TO FUND SUCH PROJECTS**

by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to the ordinary business practice of this office in the manner and/or manners described below to each of the parties herein and addressed as follows:

— BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s) of the addressee(s) designated.

X BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated below. I am readily familiar with Futterman & Dupree's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

Andrea Lynn Hoch
Benjamin T. Rice
Legal Affairs Secretary
Office of the Governor
Capitol Building
Sacramento, CA 95814

Robin Dezember, Director (A)
Division of Correctional
Health Care Services
CDCR
P.O. Box 942883
Sacramento, CA 94283-0001

Molly Arnold
Chief Counsel, Dept. of Finance
State Capitol, Room 1145
Sacramento, CA 95814

Matthew J. Lopes
Pannone, Lopes & Devereaux, LLC
317 Iron Horse Way, Suite 301
Providence, RI 02908

Warren C. (Curt) Stracener
Paul M. Starkey
Dana Brown
Labor Relations Counsel
Dept. of Personnel Admin. Legal Division
1515 "S" St., North Building, Ste. 400
Sacramento, CA 95814-7243

Donald Currier
Alberto Roldan
Bruce Slavin
Legal Counsel
CDCR, Legal Division
P.O. Box 942883
Sacramento, CA 94283-0001

1 Laurie Giberson
Staff Counsel
2 Department of General Services
707 Third St., 7th Fl., Ste. 7-330
3 West Sacramento, CA 95605

David Shaw
Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

4 Donna Neville
Senior Staff Counsel
5 Bureau of State Audits
555 Capitol Mall, Suite 300
6 Sacramento, CA 95814

Peter Mixon
Chief Counsel
California Public Employees Retirement
System
400 Q Street, Lincoln Plaza
Sacramento, CA 95814

7 Al Groh
Executive Director
8 UAPD
1330 Broadway Blvd., Ste. 730
9 Oakland, CA 94612

Yvonne Walker
Vice President for Bargaining
SEIU Local 1000
1108 "O" Street
Sacramento, CA 95814

10 Pam Manwiller
Director of State Programs
11 AFSME
555 Capitol Mall, Suite 1225
12 Sacramento, CA 95814

Richard Tatum
CSSO State President
CSSO
1461 Ullrey Avenue
Escalon, CA 95320

13 Tim Behrens
President
14 Association of California State Supervisors
1108 "O" Street
15 Sacramento, CA 95814

Elise Rose
Counsel
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

16 Professor Jay D. Shulman, DMD, MA, MSPH
9647 Hilldale Drive
17 Dallas, TX 75231

Joseph D. Scalzo, DDS, CCHP
3785 N. 156th Lane
Goodyear, AZ 85395

18 Stuart Drown
Executive Director
19 Little Hoover Commission
925 L Street, Suite 805
20 Sacramento, CA 95814

John Chiang
Richard J. Chivaro
State Controller
300 Capitol Mall, Suite 518
Sacramento, CA 95814

21

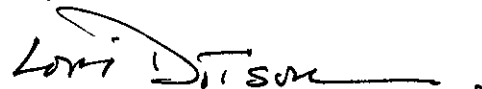
22 I declare that I am employed in the offices of a member of the State Bar of this Court at
23 whose direction the service was made. I declare under penalty of perjury, under the laws of the
24 united State of America, that the above is true and correct.

25 Executed on August 13, 2008 at San Francisco, California.

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Lori Dotson